

MINUTES

UTAH PSYCHOLOGY LICENSING BOARD MEETING

June 19, 2006

**Room 402 (formerly 428) – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 9:20 A.M.

ADJOURNED: 11:55 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Kathleen S. King, PhD
Leonard J. Haas, PhD
John F. Merryweather, PhD, Chairperson, Telephonic
participation
Bruce N. Carpenter, PhD

Board Members Absent:

Lori G. Buhler

Guests:

Craig Jackson, Division Director
David Geary, AAG
Janiece Pompa, UPA, Association Representative

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Acting Board Chairperson

Dr. King was asked to serve as Board Chairperson for this meeting in the physical absence of Dr. Merryweather.

Read and approve the April 10, 2006 Minutes.

Dr. Hass made a motion to approve the minutes as read. Dr. Merryweather seconded the motion. **The Board vote was unanimous.**

Read and approve the February 28, 2006
Mental Health Therapy Board and Substance
Abuse Counselors Board Minutes.

Board members requested the February 28, 2006 minutes be resent for review.

APPOINTMENTS:

9:30 A.M.

Law and Rule Review
Possible Telephonic Conference Call with Dr. Merryweather due to medical restrictions.

David Geary, AAG, met with the Board for the Law and Rule review.

Ms. Taxin stated that she had conducted a lecture and received several questions regarding clarification of the current Law and Rule.

Ms. Taxin distributed 2 sections of the Psychology Law, 58-61-304(1)(e) and (f) and 305, for the Board to review.

1. Ms. Taxin asked the Board if the 4000 hours of supervised training must be clinical hours or would hours spent teaching in a college or university count.

Mr. Geary stated that the Law and Rule do not clearly define what will count in the 4000 hours. Mr. Geary suggested changing the Law to read a total of 4000 hours with a minimum of 1000 hours specifically in a mental health therapy setting.

Dr. Carpenter responded that the National trend is that the license is generic and, if someone is doing mental health therapy there is an endorsement to the license for mental health therapy.

Dr. Haas responded that, in reading the Law, an individual could be an industrial psychologist, obtain his 4000 hours in training, pass the EPPP examination and apply for a license. Dr. Haas stated that it is really an honor system for those who are licensed to practice in the area for which they are qualified.

Ms. Taxin asked if this section of the Law needs to be revised for better clarification regarding the type of experience to practice clinical psychology, which would include applications from industrial psychologists and academic psychologists.

Mr. Jackson stated that the Board could recommend licensing clinical psychologists only and he asked the Board why Utah issues a license to a non-clinical psychologist.

Dr. Carpenter responded that Utah would then be the only State licensing only clinical psychologists.

Dr. Carpenter responded that University professors are not required to be licensed but many want the license.

Dr. Carpenter stated that the Board has considered adopting the APA pre-doctoral requirements which would include clinical experience.

Dr. Haas commented that using the pre-doctoral hours of clinical experience would be easy to include in the application instructions.

Mr. Geary stated that it would be difficult to bring to the Board a violation of out of scope practice since the Law does not really address non-clinical and clinical practice.

Mr. Jackson again suggested Utah license only clinical psychologists.

Dr. Carpenter stated that BYU requires the faculty to be licensed as they supervise students in clinical practice. He stated that the documentation of experience for licensure is clinical practice.

Dr. Pompa remarked that the Utah Association would not be in favor of 2 levels of licensing, clinical and non-clinical.

Dr. Merryweather stated that the Law should reflect that mental health therapy is what is expected by licensed psychologists. He commented that the Board and Association may want to wait to make a decision to find out what ASPPB recommendation would be. Dr. Merryweather stated that the issue of faculty and industrial psychologists does not seem to be something that licensure should be addressing.

Dr. King concurred with Dr. Merryweather in recommending waiting until ASPPB has made their recommendation. Dr. King asked if the Division has had difficulty with reviewing the

applications.

Mr. Geary responded that the problem is when an application is received that does not document the 1000 hours of mental health therapy and we issue a license. He stated that there could be a problem with the crossover from no experience into the practice of mental health therapy.

Ms. Taxin responded that when an individual has the license of psychologist the public assumes they have the training to do mental health therapy.

Dr. King asked if the 4000 hours could be clarified in the Rules and be more specific regarding what constitutes the training.

Dr. Carpenter asked if only the 1000 hours of mental health therapy might be clarified in the Rules.

Ms. Taxin suggested further discussion at a later date and moving on to the next issue.

2. The Board moved into reviewing 58-61-304(2)(d) to discuss the requirement of taking and passing the Utah Psychologist Law and Ethics Examination.

Ms. Taxin stated that the Division has discussed taking out the Laws and Rules examinations from all licensed professions and occupations based on no valid documentation that taking the examination makes an individual a more ethical practitioner and the difficulty applicants are having with the testing agency in registering and taking correct examinations. Ms. Taxin stated that the Division has prepared a statement to be included in all applications that reads:

Compliance with Utah Laws and Rules:
I understand that it is my continuing responsibility to read, understand and apply the requirements contained in all statutes and rules pertaining to the occupation or profession for which I am applying, and that failure to do so may result in civil, administrative, or criminal sanctions.

Ms. Taxin explained that the applicant must sign and

date that they have read the statement which holds them responsible for knowing the Laws and Rules.

Ms. Taxin stated that having the statement in the application would alleviate some of the stress for the applicant. Ms. Taxin stated that the Division and Board may want to write some questions for the application after the Law has been updated.

Mr. Geary stated that the Division would like 58-61-304(2)(d) to read the same as 58-61-304(1)(g), pass the examination requirement established by division rule under Section 58-1-203;...

Ms. Pompa asked what the process would be to make the change in the Law.

Ms. Taxin responded that the Association would have to take revisions to the Legislature.

The Board recommended 58-61-304(2)(d) read the same as 58-61-304(1)(g).

3. Ms. Taxin requested the Board to review the licensure by endorsement section at 58-61-304(2)(f), provide satisfactory evidence the applicant has actively practiced psychology in that jurisdiction for not less than 2000 hours or one year, whichever is greater; and...

Ms. Taxin asked the Board to define what constitutes active practice and what type of documentation would the Board accept if a person has cut back on the hours they currently practice or have dropped out of practice for a period of time for illness, injury, having a baby, etc. Ms. Taxin reminded the Board that requirements cannot violate FMLA guidelines.

Dr. Haas asked what type of documentation the Division currently requires to document the 2000 hours.

Ms. Taxin responded that the Division currently accepts a letter from an employer, a co-worker or W-2 documents.

Dr. Haas asked if the Division is still having

difficulty establishing active practice with the above types of documentation.

Ms. Taxin responded that most of the information submitted clearly documents the 2000 hours of active practice, however, there are some documents submitted that are not as clear.

Dr. Carpenter commented that the endorsement requirement is to keep an applicant from obtaining a license in a State and then immediately coming to Utah for a license without any licensed experience and from someone dropping out of practice for a long period of time and then obtaining licensure in Utah without being current in the profession.

Dr. Carpenter asked about requesting a verification of having an active license in good standing for a period of 3 years.

Mr. Geary responded that the Law is clear in this section.

Board members recommended there be no change to this section of licensure by endorsement.

4. Ms. Taxin asked the Board to review 58-61-305(3)(b), certify under penalty of perjury as evidenced by notarized signature on the application for admission to the examination that the applicant: (b) has successfully completed the supervised training required under this chapter for licensure.

Mr. Geary stated that the Board has discussed approving for the EPPP examination after the pre doctorate hours have been completed and before the post doctorate hours are completed.

Dr. Carpenter stated that the majority of States allow the EPPP examination to be taken before completing the post doctorate hours. He stated that passing the examination is a qualifier for post doctorate employment in many States as the EPPP is currently more oriented to education. Dr. Carpenter stated that the examination is moving toward being more clinical.

Ms. Taxin suggested the possibility of including a number 4 that requests documentation of the pre doctorate hours for approval to sit for the EPPP.

More discussion to take place at a later date.

5. Ms. Taxin stated that she had lectured to several psychology students and the question was asked if APA is moving toward eliminating the post doctorate hour requirement as the 2000 hours post doctorate hours seems to be excessive.

Ms Taxin stated that she is referring to 58-61-304(1)(e), All applicants for licensure as a psychologist based upon education, clinical training, and examination shall: (e) have completed a minimum of 4000 hours of psychology training as defined by division rule under Section 58-1-230 in not less than two years and under the supervision of a psychologist supervisor approved by the division in collaboration with the board, 2000 hours of which are obtained after completion of a master's level of education in psychology and 2000 hours of which shall be obtained after completion of the requirements for a doctoral degree in psychology:...

Dr. Carpenter responded that APA does not create requirements but they do prepare a model Law. The States may follow the model Law guidelines or choose not to follow those guidelines. He stated that APA has taken the position that the 4000 hours is a requirement and usually 2000 hours are completed during the education internship.

Dr. Haas suggested deleting the requirement of 2000 hours of post doctorate experience.

Dr. Carpenter recommended the Board wait to see what the APA recommendations will be.

Ms. Pompa responded that UPA does not have a position at this time regarding a 4000 hour requirement or a 2000 hour requirement.

Ms. Taxin suggested further discussion after the APA model Law has been finalized and reviewed.

6. Ms. Taxin stated that she was asked what specific type of supervisor is required.

Dr. Haas asked why a licensed resident cannot hire a psychologist to supervise.

Ms. Taxin responded that the person being supervised must not have control over the supervisor and if they are paying for the supervision they control the supervisor or hire another supervisor. Ms. Taxin stated that it is conflict.

Dr. Haas asked how someone would obtain their supervision if they are in active private practice in another mental health therapy profession who may want to upgrade.

Dr. Carpenter responded that they would have to obtain the supervision for psychology from a source outside their private practice in the other mental health therapy profession.

Dr. King responded that she was in that position and had to pay the price of losing the flexibility of going into academia to be licensed as a psychologist.

7. Dr. Carpenter asked if the Board could discuss what constitutes having a degree.

Dr. Carpenter stated that there is a time lag of up to 3 months between completion of education requirements, graduation and licensure. He stated that about 2 years ago the AG's office gave a ruling and accepted a letter from the registrar's office which confirmed completion of education requirements.

Dr. King read the Law, 58-61-304(1)(d), produce certified transcripts of credit verifying satisfactory completion of a doctoral degree in psychology that includes specific core course work established by division rule under Section 58-1-203, from an institution of higher education whose doctoral program, at the time the applicant received the doctoral degree, met approval criteria established by division rule made in consultation with the

board;... Dr. King stated that the Law is clear in the requirement to submit transcripts with a degree posted to document completion of the education requirement.

Dr. Haas commented that he wished there was a way to notify students so that they would be prepared for the time lag.

Mr. Geary stated that the AG's ruling asked for a letter to be certified by the registrar that the student completed the education requirements.

Dr. Carpenter stated that most States will accept the letter of completion.

Ms. Taxin responded that, upon checking with other States, she found that most States will not accept any letter and do require official transcripts with the degree posted.

Ms. Taxin explained that a few licenses were issued based on the AG's ruling to accept a letter and later the Division discovered someone did not graduate based on failure to pay school fees. Ms. Taxin stated that the Division then had the problem of revoking a license. She stated that if the requirement is in the Law, that is what is accepted, if it is not in the Law it is not accepted and the Law does not require a letter from the registrar's office. She stated that letters from the registrar's office are worded in a way that does not make them responsible should the student not graduate due to some problem. Ms. Taxin also stated that the AG's office has had discussions with different University attorneys and they are of the opinion that transcripts with the graduation date posted should be a requirement.

Dr. King stated that moving from education to the resident license should be smooth and quick as those working in an agency still need the income and the agency still needs the licensed person working.

Ms. Taxin responded that the lag period is across the board for most licenses. She stated that, if the Board wants to change the Law, she will enforce the

requirements. Ms. Taxin stated that once a license is issued the Division does not retain a list of those who have not submitted transcripts. Ms. Taxin stated that if the Board recommends a change and a license is issued based on a letter, if the person does not graduate they have a license to practice without having met education requirements.

Dr. King asked if it would be possible for the Board to retain a list of those licensed as a resident who need to submit transcripts.

Ms. Taxin responded that the Division Staff would still have to create the list and update it accordingly.

Ms. Taxin requested further discussion at a later meeting.

8. Dr. Carpenter asked for discussion regarding accepting education that does not meet Utah's requirement and then completing most of the required courses at another institution.

Dr. Carpenter stated that the profession is of the opinion that people who want their add-on courses to be approved as meeting the education requirement for Utah are sliding by.

Mr. Geary responded that if someone requests Agency Review, the course content is reviewed to determine if the course meets specific education requirements as outlined by the Rules.

Dr. King responded that the non-traditional education should be reviewed on a case by case basis by the Board to make recommendations.

NEXT MEETING SCHEDULED FOR:

July 10, 2006

MEETING ADJOURNED AT:

11:55 A.M.

Date Approved

Chairperson, Utah Psychology Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing